

11-08-03

AF 1-8-26-00 3689  
PATENT  
#7/Notice of Appeal  
11-18-03  
[Signature]



Pra titi n r' Dock t N . 34580.001CC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul Swift  
Application No.: 09 /975,417 Group No.: 9594  
Filed: 10/10/2001 Examiner: Vinh Luong  
For: BICYCLE PEDAL THAT CAN FIT A MULTIPLICITY OF SHOE CLEATS

Assistant Commissioner for Patents  
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).  
NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed 08/05/2003, finally rejecting claims 5-8

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☐ other than a small entity.
- ☒ a small entity.

A statement

- ☐ is attached.
- ☒ was already filed on 10/10/2001

RECEIVED  
NOV 12 2003  
GROUP 3600

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.10) 1.10)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office.

Express Mail No. EV 312729191 US  
Date: November 4, 2003

[Signature]  
Signature  
Thomas I. Rozsa  
(type or print name of person certifying)

(Notice of Appeal from the Primary Examiner to Board [9-6]—page 1 of 3)

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

- ☒ small entity ~~\$1,600.00~~ 165.00  
☐ other than a small entity \$ 320.00

Notice of Appeal fee due \$ 165.00

## 3. EXTENSION OF TERM

*NOTE: The time periods set forth in 37 C.F.R. § 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). (But see 37 C.F.R. § 1.645 for extension of time in interference proceedings and 37 C.F.R. § 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.  
Extension fee due with this request \$\_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 165.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 165.00

## 5. FEE PAYMENT

☒ Attached is a check in the sum of \$ 165.00

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## 6. FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

☒ If any additional extension and/or fee is required,  
charge Account No. 18-2222

AND/OR

☒ If any additional fee for claims is required,  
charge Account No. 18-2222

Thomas Rozsa 11/4/03  
SIGNATURE OF PRACTITIONER

Reg. No.: 29,210

Thomas I. Rozsa, Esq.

*(type or print name of practitioner)*

Tel. No.: (818) 783-0990

ROZSA & CHEN LLP

15910 Ventura Boulevard, Suite 1601

P.O. Address

Customer No.: 021907

Encino, CA 91436-2815